

Report on the

# **Board of Court Reporting**

**Montgomery, Alabama**



## **Department of Examiners of Public Accounts**

**50 North Ripley Street, Room 3201**

**P.O. Box 302251**

**Montgomery, Alabama 36130-2251**

**[www.examiners.alabama.gov](http://www.examiners.alabama.gov)**

*Ronald L. Jones, Chief Examiner*



STATE OF ALABAMA  
Department of  
EXAMINERS OF PUBLIC ACCOUNTS

Telephone (334) 242-9200  
FAX (334) 242-1775

Ronald L. Jones  
Chief Examiner

*Mailing Address:*  
P.O. Box 302251  
Montgomery, AL 36130-2251

*Location:*  
Gordon Persons Building  
50 North Ripley Street, Room 3201  
Montgomery, AL 36104-3833

September 23, 2009

Senator Larry Dixon  
Chairman, Sunset Committee  
Alabama State House  
Montgomery, AL 36130

Dear Senator Dixon,

This report was prepared to provide information for use by the Sunset Committee in conducting its review and evaluation of the operations of the **Board of Court Reporting** in accordance with the *Code of Alabama 1975*, Section 41-20-9.

The report contains unaudited information obtained from the management, staff, and records of the **Board of Court Reporting** in addition to information obtained from other sources.

Please contact me if you have any questions concerning this report.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronald L. Jones", written in a cursive style.

Ronald L. Jones  
Chief Examiner

Examiner: Timea Boros



## TABLE OF CONTENTS

PROFILE .....	1
<i>PURPOSE/AUTHORITY</i> .....	1
<i>CHARACTERISTICS</i> .....	1
<i>OPERATIONS</i> .....	3
<i>FINANCIAL</i> .....	6
SIGNIFICANT ISSUES .....	7
STATUS OF PRIOR SIGNIFICANT ISSUES .....	8
ORGANIZATION .....	10
PERSONNEL .....	10
PERFORMANCE CHARACTERISTICS .....	10
COMPLAINT HANDLING .....	11
REGULATION IN CONJUNCTION WITH OTHER ENTITIES .....	13
SMART BUDGETING .....	13
FINANCIAL INFORMATION .....	15
<i>SCHEDULE OF FEES</i> .....	15
<i>SCHEDULE OF RECEIPTS, DISBURSEMENTS, AND BALANCES</i> .....	16
<i>OPERATING RECEIPTS VS. OPERATING DISBURSEMENTS</i> .....	16
QUESTIONNAIRES .....	17
<i>BOARD MEMBERS AND EXECUTIVE DIRECTOR</i> .....	17
<i>LICENSEES</i> .....	20
<i>COMPLAINANTS</i> .....	23
APPENDICES .....	25
<i>PERFORMANCE REPORTS</i> .....	25
<i>APPLICABLE STATUTES</i> .....	27
<i>LATEST PROPOSED LEGISLATION</i> .....	41
<i>BOARD MEMBERS</i> .....	46
BOARD RESPONSE TO SIGNIFICANT ISSUES .....	47



## **PROFILE**

### **Purpose/Authority**

The Alabama Board of Court Reporting was created by Act No. 2006-200 to establish and maintain a standard of competency for persons engaged in the practice of court reporting. Its first meeting was held on January 26, 2007. The board licenses qualified persons to practice court reporting in Alabama and prescribes the qualifications for licensure. The board operates under authority of the *Code of Alabama 1975*, Sections 34-8B-1 through 34-8B-18.

### **Characteristics**

<b>Members and Selection</b>	<p><u>7 members</u></p> <p><i>Governor (3)</i></p> <ul style="list-style-type: none"><li>(1) Official court reporter</li><li>(1) Freelance court reporter</li><li>(1) Member of the Alabama State Bar Association</li></ul> <p>Vacancies are filled from lists of three nominees submitted respectively by the Alabama Court Reporters Association (ACRA), the National Court Reporters Association (NCRA), the National Verbatim Reporters Association (NVRA), and the Alabama State Bar Association.</p> <p><i>Lieutenant Governor (1)</i></p> <ul style="list-style-type: none"><li>(1) Member of the Alabama State Bar Association appointed from a list of three nominees submitted by the Alabama State Bar Association</li></ul> <p><i>President Pro Tempore of the Senate (1)</i></p> <ul style="list-style-type: none"><li>(1) Official court reporter appointed from a list of three nominees submitted by ACRA</li></ul> <p><i>Speaker of the House of Representative s(1)</i></p> <ul style="list-style-type: none"><li>(1) Freelance court reporter appointed from a list of three nominees submitted by ACRA</li></ul> <p><i>Chief Justice of the Alabama Supreme Court (1)</i></p> <ul style="list-style-type: none"><li>(1) Member of the Alabama Judicial Conference appointed from a list of three nominees submitted by the Alabama Judicial Conference</li></ul> <p><i>Code of Alabama 1975</i>, Section 34-8B-4(c)</p>
------------------------------	---

<b>Term</b>	<p>Statutes provide for the initial members to serve the following staggered terms beginning January 1, 2007:</p> <ul style="list-style-type: none"> <li>• Three members for two years,</li> <li>• Two members for three years, and</li> <li>• Two members for four years.</li> </ul> <p>Subsequent terms are four years and may be renewed for not more than two consecutive terms.</p> <p>Members continue to serve until a successor is appointed.</p> <p><i>Code of Alabama 1975</i>, Section 34-8B-4(e) and (f)</p>
<b>Qualifications</b>	<p>The board must include:</p> <ul style="list-style-type: none"> <li>• Two official court reporters certified at a professional level by NCRA or NVRA,</li> <li>• Two freelance court reporters certified at a professional level by NCRA or NVRA,</li> <li>• Two members in good standing with the Alabama State Bar Association.</li> <li>• One member in good standing with the Alabama Judicial Conference.</li> </ul> <p><i>Code of Alabama 1975</i>, Section 34-8B-4(b)</p> <ul style="list-style-type: none"> <li>• All members of the board must be citizens of the United States and of Alabama.</li> </ul> <p><i>Code of Alabama 1975</i>, Section 34-8B-4(d)</p>
<b>Racial Representation</b>	<p>No statutory requirement. Two Black members serving</p>
<b>Geographical Representation</b>	<p>No statutory requirement.</p>
<b>Consumer Representation</b>	<p>No statutory requirement.</p>



<b>Other Representation</b>	<p>The membership of the board must be inclusive and must reflect the racial, gender, geographic, urban/rural and economic diversity of the state.</p> <p>Statute further requires that the board shall annually report to the Legislature by the second legislative day of each regular session to what extent the board has complied with the diversity provisions provided for in this subsection.</p> <p><i>Code of Alabama 1975</i>, Section 34-8B-4(g)</p>
<b>Compensation</b>	<p>Statutes provide that, “The <u>compensation</u> and expenses shall be paid out of the funds of the board.” No other reference to compensation is made. Compensation is not being paid.</p> <p>See PRIOR SIGNIFICANT ISSUE 2007-05</p> <p>Per diem and travel expense reimbursement the same as paid to state employees.</p> <p><i>Code of Alabama 1975</i>, Section 34-8B-4(j)</p>
<b><u>Operations</u></b>	
<b>Administrator</b>	<p>Paula “Scout” McCaleb, Executive Director Representing - Leadership Alliance, L.L.C.</p> <p>The board contracts with Leadership Alliance, L.L.C., a private management firm, for facilities, administrative, management, and logistical support.</p> <p>Current contract amount – \$60,000 annually.</p>
<b>Location</b>	<p><u>Until August 31, 2009:</u> 7550 Halcyon Summit Drive, Suite 125 Montgomery, AL 36124-0066</p> <p><u>After August 31, 2009:</u> 2011 Berry Chase Place Montgomery, AL 36117 Office Hours: 8:30 a.m. – 4:30 p.m. Monday – Friday</p>

<b>Examinations</b>	<p>Applicants for licensure must pass one of these examination alternatives:</p> <ol style="list-style-type: none"> <li>1. The National Court Reporters Association Registered Professional Reporter (RPR) Examination, or</li> <li>2. The National Verbatim Reporters Association Certified Verbatim Reporter (CVR) Examination.</li> </ol> <p><b><i>Code of Alabama 1975</i></b>, Section 34-8B-10</p> <p>The board is not involved in the examination process and accepts only those applicants who have successfully completed an examination.</p> <p>The Alabama schools with court reporting curricula are Gadsden State Community College and Prince Institute in Montgomery, (a for-profit educational institution). The pass-fail rates for students among the alternative examinations (see above) was not available.</p> <p>Most licensees were grandfathered - approximately 500, and approximately 50 are from other states where they passed an acceptable examination.</p> <p><b><i>Code of Alabama 1975</i></b>, Section 34-8B-14  <b><i>Code of Alabama 1975</i></b>, Section 34-8B-11  <i>Source - Staff</i></p>
<b>Licensees</b>	<p>536 active licensees  3 temporary licensees</p> <p>As of 6/5/2009</p> <p><i>Source - Staff</i></p>
<b>Exemptions</b>	<p>None.</p>
<b>Reciprocity</b>	<p>The court reporter licensing law provides for reciprocal agreements with any state, agency, or other entity that licenses, certifies, or registers court reporters (NCRA or NVRA, or both) if the board finds that the state, agency, or other entity has substantially the same or more stringent requirements than the board.</p> <p><b><i>Code of Alabama 1975</i></b>, Section 34-8B-11</p> <p>As of July 30, 2009, the board had no reciprocal agreements with other states</p> <p><i>Source - Staff</i></p>

<b>Renewals</b>	<p>All licenses expire annually on September 30.</p> <p>Statutes provide that, “The board may provide for the late renewal of a license which has lapsed and may require the payment of a late fee or an examination, or both, prior to issuing a renewal license.”</p> <p><i>Code of Alabama 1975</i>, Section 34-8B-13</p> <p>Statutes provide the penalty for late renewal – 20%/mo. through 6 mo., and revocation after 6 mos. Board rule is in conflict with statutes. <b>See SIGNIFICANT ISSUE 2009-01.</b></p> <p>Board Rule 257-X-3-.07  <i>Code of Alabama 1975</i>, Section 34-8B-17(5)</p> <p>Renewal is available online through Alabama Interactive. 99% of licensees renewed online for the current renewal period.</p> <p><i>Source – staff</i></p>
<b>Continuing Education</b>	<p>15 hours every 36 months for active licensees upon renewal. Board Rule 257-X-6-.01</p> <p>15 hours in the preceding 12 months for inactive licensees seeking license restoration. Board Rule 257-X-2-.06</p> <p><i>Code of Alabama 1975</i>, Section 34-8B-13</p>
<b>Employees</b>	<p>No direct employees – administrative and management services are provided under contract with Leadership Alliance, L.L.C.</p>
<b>Legal Counsel</b>	<p>Bettie Carmack, Assistant Attorney General  Assigned from the Attorney General’s Office to assist the board as needed.</p>
<b>Subpoena Power</b>	<p>None.</p>

<b>Internet Presence</b>	<p>The board hosts a website at <a href="http://www.abcr.alabama.gov">www.abcr.alabama.gov</a>, contains:</p> <ul style="list-style-type: none"> <li>• Board staff and contact information</li> <li>• Administrative rules and forms,</li> <li>• Enabling statutes,</li> <li>• Exams</li> <li>• Board calendar</li> <li>• Licensee Roster</li> <li>• ACRA Newslines</li> <li>• Example of Certification Page</li> <li>• Disciplinary Actions</li> <li>• Continuing Education Information</li> <li>• Board Members</li> <li>• Minutes</li> <li>• Directions</li> <li>• Links to Alabama Court Reporter Association (ACRA), to National Court Reporters Association (NCRA), and to National Verbatim Reporters Association (NVRA).</li> <li>• Links to Online Services</li> <li>• Links to Survey/Comments</li> </ul>
<b>Attended Board Member Training</b>	<p>(2) Board members  (1) Executive director  (1) Licensing Agent</p>

### **Financial**

<b>Source of Funds</b>	Licensing fees.
<b>State Treasury</b>	<p>Yes, operates from Special Revenue Fund 1169.</p> <p><i>Code of Alabama 1975</i>, Section 34-8B-12</p>
<b>Required Distributions</b>	No statutory requirement.
<b>Unused Funds</b>	<p>Any funds remaining in the fund at the end of each fiscal year in excess of two hundred fifty thousand dollars (\$250,000) shall be available to the board to provide for the education and training of court reporters.</p> <p><i>Code of Alabama 1975</i>, Section 34-8B-12</p>

## **SIGNIFICANT ISSUES**

**SIGNIFICANT ISSUE 2009-01** – **The board’s administrative rule regarding late renewal is in conflict with the board’s enabling statutes.** The board’s administrative rule limits late renewals to 60 days past the renewal due date, while the law authorizes late renewal up to six months. Consequently, the board’s administrative rule is not in harmony with the law.

Opinion of the attorney general 2006-147 states in reference, “The administrative rules and regulations, however, must be consistent with the constitutional or statutory authority by which they are promulgated, and a rule or regulation created out of harmony with the statute is null and void, *Ex parte State Dep’t of Human Resources*, 548 So.2d 176, 178 (Ala. 1988)”

The *Code of Alabama 1975*, Section 34-8B-17(5) states that, “A fee for the renewal of a license after the due date which shall be increased 20 percent for each month or fraction thereof that payment is delayed, unless the delay is caused by conditions resulting from additional requirements imposed by the board. Notwithstanding the foregoing, delinquency of more than six months shall result in revocation of licensure.”

The board’s administrative rule 257-X-3-.07 states that, “Late Renewals may be received up to 60 days following expiration of license with the required late renewal fee and application for renewal.”

**SIGNIFICANT ISSUE 2009-02** – **Responses to our questionnaires by board members and the executive director indicate that the most significant issue currently facing the board is to pass legislation to amend its statutes.**

The board attempted to amend its statutes in HB 522 (Rep. Black) and in SB 387 (Sen. Lindsey) of the 2008 regular session and HB 800 (Rep. Black) and HB 828 (Rep. Black) in the 2009 regular session. The bills, which provided for substantial changes to the board’s statutes, included provisions for provide *temporary licensure for new graduates*, to provide a *deadline for grandfathering*, to amend language that addresses *board liability*, to *remove the requirement for the chief justice board appointee to be a member of the Alabama Judicial Conference*, to *remove detailed requirements regarding examination notifications*, and to *remove a reference to board member compensation*, among other housekeeping changes. However, none became law.

Temporary licensing - Current statutes do not provide for temporary licensing for new graduates.

Deadline for Grandfathering –*currently, grandfathering provisions have no cutoff date.* – The *Code of Alabama 1975*, Section 34-14B-14(a) provides that, “Any person who is engaged in the practice of court reporting on June 1, 2006, and who provides to the board an affidavit setting forth his or her past education and work experience as a court reporter and an affidavit of a judge for whom he or she has worked as an official court reporter or three licensed attorneys, unrelated by blood or marriage to the person and who have utilized the

services of the court reporter, which attests to the court reporter's proficiency in court reporting, upon payment of a fee in an amount determined by the board, shall be licensed to practice as a court reporter.” See PRIOR SIGNIFICANT ISSUE 2007-03 from the sunset report dated July 11, 2007, following this report section.

Clarification of language regarding board liability - Language in the current statutes holds the board responsible for the unlawful actions of its licensees. See PRIOR SIGNIFICANT ISSUE 2007-02 from the sunset report dated July 11, 2007, following this report section.

Removal of detailed requirements for notification relative to examinations –Would have removed the detailed requirements in the *Code of Alabama 1975*, Section 34-8B-10(c).

Removal of a requirement for chief justice board member appointee to be a member of the Alabama Judicial Conference – as currently required in the *Code of Alabama 1975*, Section 34-8B-4.

Removal of reference to board member compensation – A reference to compensation is made in the *Code of Alabama 1975*, Section 34-8B-4(j), but compensation is not directly addressed. See PRIOR SIGNIFICANT ISSUE 2007-05 from the sunset report dated July 11, 2007, following this report section.

## **STATUS OF PRIOR SIGNIFICANT ISSUES**

Except for the following, all prior significant issues have been resolved.

### **Sunset Report dated July 11, 2007**

**PRIOR SIGNIFICANT ISSUE 2007-0 2 - The court reporter licensing law holds the board responsible for the unlawful actions of its licensees** – The *Code of Alabama 1975*, Section 34-8B-9 provides that, “(a) The board may sue and be sued in its own name to recover actual or compensatory damages, including interest and court costs, sustained as the result of the conduct of any licensee who violates this chapter or rules promulgated hereunder.

(b) All members of the board shall be immune from civil liability while acting within the scope of their duties as board members.

### **Current Status**

The language of the board’s enabling statutes remains unchanged. Although, the board has introduced bills that contain a provision to correct this language in every regular legislative session since the last sunset review, none have passed. The board attempted to amend its statutes in HB 522 (Sen. Lindsey) and in SB 387 (Rep. Black) of the 2008 session and SB 800 and SB 828 (Rep. Black) in the 2009 session. The bills, which provided for substantial changes to the board’s statutes, included a provision to correct the discrepancy. However, none became law, and the discrepancy continues.

**PRIOR SIGNIFICANT ISSUE 2007-03 - Alabama Court Reporters Association (ACRA) members are subject to more stringent cutoff date requirements for licensure by grandfathering than are non-ACRA members** – The *Code of Alabama 1975*, Section 34-8B-14(a) provides an opportunity for grandfathering without examination for court reporters who were in practice on June 1, 2006, with no deadline stated for application to the board. However, the *Code of Alabama 1975*, Section 34-8B-14(c), which provides grandfathering provisions for members of ACRA states that applicants must apply for certification within one year of June 1, 2006, to be granted a license without examination. Otherwise, ACRA members are required to take the certified court reporter examination in order to become certified.

#### **Current Status**

The differences in the law remain unchanged. Grandfathering for ACRA members has expired for all members who did not apply for licensure before June 1, 2007, but grandfathering for non-ACRA members remains open.

The language of the board's enabling statutes remains unchanged. Although, the board has introduced bills that contain a provision to correct this language in every regular legislative session since the last sunset review, none have passed. The board attempted to amend its statutes in HB 522 (Rep. Black) and in SB 387 (Sen. Lindsey) of the 2008 session and HB 800 (Rep. Black) and HB 828 (Rep. Black) in the 2009 session. The bills, which provided for substantial changes to the board's statutes, included a provision to close grandfathering.

**PRIOR SIGNIFICANT ISSUE 2007-05 - Statutes are not clear as to whether board members are due compensation for their services**. No direct provision is made in the law for compensation of board members, but reference is made indirectly to compensation.

The *Code of Alabama 1975*, Section 34-8B-4(j) provides that, "Board members shall receive the same travel expenses and per diem as state employees pursuant to Article 2, commencing with Section 36-7-20, Chapter 7, Title 36. The compensation and expenses shall be paid out of the funds of the board. Reimbursement shall not be made if funds are insufficient."

#### **Current Status**

The language of the board's enabling statutes remains unclear. In responses by the board member to our questionnaire, the board indicated that it did not desire compensation. Although, the board has introduced bills that contain a provision to correct this language in every regular legislative session since the last sunset review, none have passed. The board attempted to amend its statutes in SB387 (Sen. Lindsey) and in HB522 (Rep. Black) of the 2008 session and HB 800 and HB 828 (Rep. Black) in the 2009 session. The bills, which provided for substantial changes to the board's statutes, included a provision to remove the reference to compensation. However, none became law, and the condition continues.

## **ORGANIZATION**



## **PERSONNEL**

There are no direct employees. Effective June 22, 2007 the board contracted with Leadership Alliance, L.L.C. to provide administrative, management, and logistical support; including an executive director. Current compensation for these services is \$60,000 annually (10/01/08-9/30/09). Leadership Alliance, L.L.C. maintains the board's records and performs the board's administrative functions from its Montgomery office.

### **Legal Counsel**

Bettie Carmack, from the Attorney General's Office is assigned to the board.

## **PERFORMANCE CHARACTERISTICS**

### **Number of Licensees per Employee**

The board contracts with Leadership Alliance, L.L.C. to provide administrative management. Budget reports indicate that one full time equivalent (FTE) employee is utilized for the board's operations. Licensees per employee = 536.



### **Number of Persons per Licensee in Alabama and Surrounding States**

	<b>Population (estimate)*</b>	<b>Number of Licensees</b>	<b>Persons Per Licensee</b>
<b>Alabama</b>	<b>4,661,900</b>	<b>536**</b>	<b>8,697</b>
Florida	18,328,340	N/A	N/A
Georgia	9,685,744	1,100**	8,805
Mississippi	2,938,618	316**	9,299
Tennessee	6,214,888	N/A	N/A

\* July 1, 2008 Census Bureau Population Estimates Report

\*\* Staff

N/A - Florida and Tennessee do not license court reporting.

### **Operating Disbursements per Licensee**

\$157.71 (2008 fiscal year)

### **Notification to Licensees of Board Decisions to Amend Administrative Rules**

The board complied with notification procedures prescribed in the Administrative Procedure Act, which includes publication of proposed rules in the Administrative Monthly, and public hearings on proposed rules. Licensees are not specifically notified of proposed changes. The board places notice of proposed bills and rules on its Internet website.

## **COMPLAINT HANDLING**

### **Complaint Procedures**

<b>Initial Contact/Documentation</b>	<p>The board requests that all complaints be filed in writing, addressed to the chair of the board, and signed on a form prescribed by the board and may be submitted in person, by fax, or mailed to the board's office.</p> <p><b><i>Code of Alabama 1975</i></b> Section 34-8B-6 and <u>(Administrative Rule, Section 257-X-5-.04(1))</u></p> <p>The board does not accept anonymous complaints.</p> <p>Board members and staff may bring complaints in the same manner as prescribed in the board's statutes and administrative code. The board confirms receipt of complaints by mail within 5 business days.</p>
--------------------------------------	--

<b>Investigative Process</b>	<p>An investigative committee composed of the board's executive director, counsel, and one board member performs an initial review of the complaint. If an investigation is warranted, board retains an investigator who shall work under direction of the executive director to conduct further investigation. At the conclusion of investigation, the investigator will submit a written report to the investigative committee who will act upon the report and may either:</p> <ul style="list-style-type: none"> <li>(1) Dismiss complaint;</li> <li>(2) Commence disciplinary proceedings;</li> <li>(3) Accept voluntary surrender of a license.</li> </ul> <p>(<u>Administrative Rule</u>, Section 257-X-5-.04 and .05)</p> <p>The board member involved in investigating the complaint abstains from asking any questions or voting during a hearing. (<u>Administrative Rule</u>, Section 257-X-5-.09(6))</p>
<b>Probable Cause Determination</b>	<p>The investigative committee determines compliance with enabling statutes and administrative rules of the board after reviewing the investigator's report.</p>
<b>Resolution Without Formal Hearing</b>	<p>Complaints or controversies may be considered and resolved by the board designee through alternative dispute resolution, informal conferences, meetings, or other informal means. Informal disposition may be made of any contested case by stipulation, agreed settlement, consent order or default or by another method agreed upon by the parties in writing and as approved by the board. (<u>Administrative Rule</u>, Section 257-X-5-.08)</p>
<b>Formal Hearing</b>	<p>After the investigation is completed the board will conduct a hearing at which time it may dismiss the charges, may impose a fine not to exceed one thousand dollars (\$1,000), or may revoke or suspend the license of the licensee. The licensee may appeal a decision of the board by submitting a request to the board for reconsideration within 90 days following the decision of the board. If no resolution is achieved, further appeals shall be submitted to the circuit court in the jurisdiction of the residence of the licensee. <i>Code of Alabama 1975</i>, Section 34-8B-6</p> <p>The board adopts by reference as its rules the <i>Code of Alabama, 1975</i> Sections 41-22-1 et seq., Alabama Administrative Procedure Act, as amended, governing contested cases, appeals, and related proceedings.</p>

	<p>(Administrative Rule, Section 257-X-5-.06)</p> <p>The board may utilize the services of a hearing officer selected from a list provided by Attorney General's Office and appointed (contracted) by the board. (Administrative Rule, Section 257-X-5-.7(6))</p> <p>The board is represented by its legal counsel.</p>
<b>Notification of Resolution to the Complainant</b>	The board notifies the complainant of the resolution of the complaint in writing. The resolution is also posted on the board's website under Disciplinary Actions.

<b>Schedule of Complaints Resolved FY 2007 through FY 2009</b>				
Year/Number Received	Year/Number Resolved*			Pending
	2007	2008	2009 <sup>(1)</sup>	
2007 / 0	0	0	0	0
2008 / 2		1	1	0
2009 / 4(1)			3	1
(1) As of June 5, 2009				
Source of data: Executive Director				

\*Resolved = Final order or settlement agreement in hand.

### **Average Time to Resolve Complaints**

57.6 days

## **REGULATION IN CONJUNCTION WITH OTHER ENTITIES**

The board's licensees are not regulated by any other agency; however, conduct of the profession is guided by the official *Alabama Court Rules*.

## **SMART BUDGETING**

As a part of our examinations, we reviewed the agency's stated goals and objectives, as presented in the agency's SMART reports. We reviewed for compliance with the following standards:

- Goals are measurable, long-term target levels of performance, with an end date for accomplishment.
- Objectives are measurable target levels of performance for one fiscal year.
- Each goal is accompanied by one or more directly related objectives designed to show progress toward achieving the goal.
- The numbers reported anywhere in the SMART documents can be reproduced at any time from records on hand. The records are available for audit.

- The methods for determining the numbers presented in the SMART documents over time in a consistent manner. The records of the methods are available for audit.

We reviewed the board's SMART performance goals and objectives for the 2008 through 2009 fiscal years for compliance with these standards and made the following observations.

2008 Goals				
GOALS			COMMENTS	
Goal 1 – To provide services online so that 90% of license transactions are processed via the web by 2010.			Goal is appropriate but no related objective from which to report progress toward achieving the goal.	
2008 Objectives				
OBJECTIVES	UNIT OF MEASURE	TARGET	ACTUAL	COMMENTS
Efficiency – Process all requests within ten business days.	day	10	3	Objective is appropriate

2009 Goals				
GOALS			COMMENTS	
Goal 1 - To provide services online so that 90% of license transactions are processed via the web by 2010.			Goal is appropriate but no directly related objective from which to report progress toward achieving the goal.	
2009 Objectives (through 1 <sup>st</sup> Quarter)				
OBJECTIVES	UNIT OF MEASURE	TARGET	ACTUAL*	COMMENTS
Efficiency – Process all requests within ten business days.	day	10	1	Objective is appropriate

\* Actual performance data was available only for the first quarter of the 2009 fiscal year at the time this report was prepared.

## **FINANCIAL INFORMATION**

### **Source of Funds**

The board's operating funds are self generated from collection of licensing fees and fines.

### **Funds/Accounts Description**

The board operates through the State Treasury, Special Revenue Fund 1169 – created by the board's licensing law for that purpose. The board is subject to the state's normal budgeting procedures.

*End of year balances* - All funds unspent and unencumbered at the end of the fiscal year that exceed two-hundred and fifty thousand dollars (\$250,000), shall be available to the board to provide for the education and training of court reporters. At all times the board shall retain a sum not in excess of two hundred fifty thousand dollars (\$250,000), to meet any emergency which may affect the efficient operation of the board. (*Code of Alabama 1975*, Section 34-8B-12)

### **Schedule of Fees**

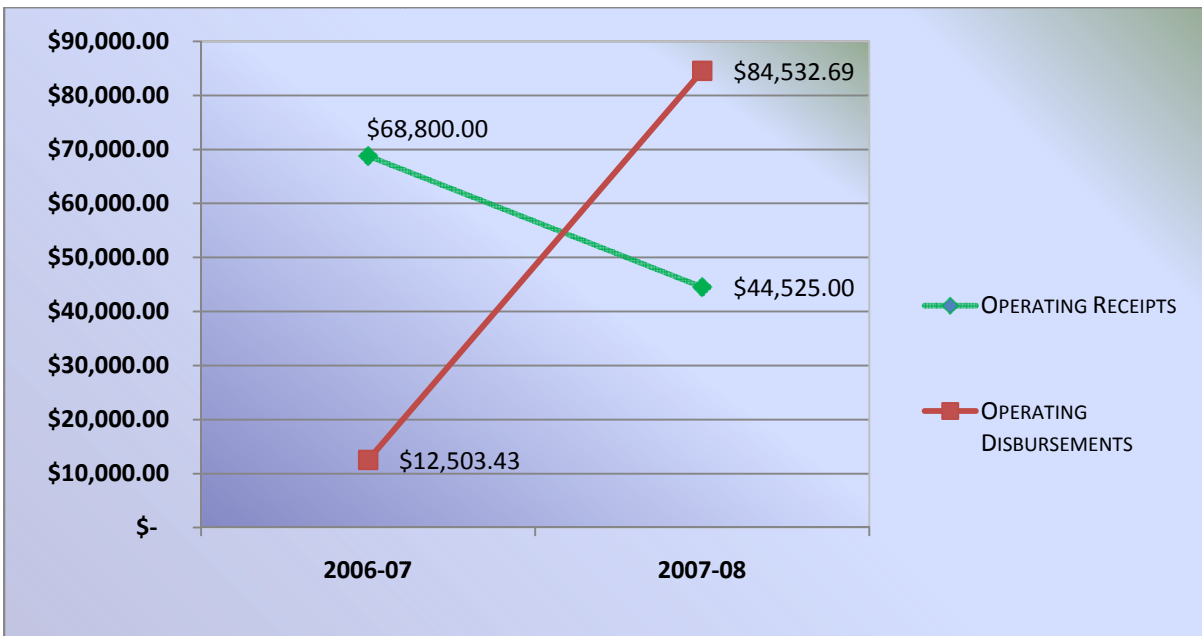
<b>FEE TYPE/PURPOSE</b>	<b>STATUTORY AUTHORITY</b>	<b>RULE</b>	<b>AMOUNT AUTHORIZED</b>	<b>AMOUNT COLLECTED</b>
License Fee	34-8B-5(3)	257-X-7 Appendices I	Set by board rule – no limit	\$100
Application Fee	34-8B-17(1)	257-X-7 Appendices I	Set by board rule – no limit	\$50
Renewal Fee	34-8B-5(3)	257-X-7 Appendices I	Set by board rule – no limit	\$100
Late Renewal Fee	34-8B-17(5)	257-X-7 Appendices I	20% of license fee for each month late	20% of license fee for each month late
Temporary License Renewal Fee	34-8B-17(3)	257-X-7 Appendices I	Set by board rule – no limit	\$50
Re-Instatement Fee	34-8B-17(4)	257-X-7 Appendices I	Set by board rule – no limit	\$300
Reciprocal License Fee	34-8B-11(c)	257-X-3-.04	Set by board rule – no limit	\$100

### Schedule of Receipts, Disbursements, and Balances

October 1, 2006 through September 30, 2008

	2007-2008	2006-2007
<b><u>Receipts</u></b>		
Licensing Fees	\$ 44,525.00	\$ 68,800.00
<b><u>Disbursements</u></b>		
Travel-in-State	3,997.08	565.90
Rentals and Leases	90.00	0
Utilities and Communications	1,278.31	0
Professional Services	74,978.76	11,732.63
Supplies, Materials, and Operating Expense	4,188.54	204.90
Total	84,532.69	12,503.43
Excess (Deficiency) of Receipts over Disbursements	(40,007.69)	56,296.57
Cash Balances at Beginning of Year	56,296.57	*
Cash Balances at End of Year	16,288.88	56,296.57
Reserved for Unpaid Obligations	4,100.00	16,666.72
Unreserved Cash Balances at End of Year	\$ 12,188.88	\$ 39,629.85
* Note: Agency was established June 1, 2006		
and started operations with its first board meeting on January 26, 2007		

### Operating Receipts vs. Operating Disbursements



Note: The chart does not include amounts received or disbursed that cannot be used for operations.

## **QUESTIONNAIRES**

### **Board Members and Executive Director**

Questionnaires were mailed to all seven board members and the executive director. Six responded.

**1. What are the most significant issues currently facing the Board of Court Reporting (ABCR) and how is the ABCR addressing these issues?**

**Respondent #1:** “Correcting oversights that exist in the enabling statutes in order to assist the Board of Court Reporting in completing its mission to protect the public.”

**Respondent #2:** “We need legislation passed to provide for temporary licensure.” “We have introduced this bill twice and will continue to.”

**Respondent #3:** “We are a young board so we are continuing to address organizational issues as well as putting in place a testing and certification procedure for new reporters coming into the system.”

**Respondent #4:** “None.”

**Respondent #5:** “Certification of new graduates – hardly anyone is passing testing and we have not been able to pass modification legislation for temporary licensure before [the] legislature adjourned. We are working with ACRA and the reporting schools to aid in testing administration and networking with legislators to pass temporary licensure.

**Respondent #6:** “One of our most significant issues is identifying members of the court reporting profession and making sure they have acquired a license as required by law.”

**2. What changes to the ABCR’s laws are needed?**

**Respondent #1:** “Provide temporary licensure so that new graduates of court reporting programs will have the opportunity to work in the court reporting profession while applying for, taking, and passing the licensure examination. As intended in the enabling statute, “High School” should be changed to “Court Reporting Program” throughout the statute.

“The statute should be updated to reflect current, rather than outdated, organizations; i.e., Alabama Judicial Conference should be changed to reflect Administrative Office of Courts.”

“The statutes should be corrected to eliminate the word “compensation” as it applies to Board members. ABCR does not have any intention of receiving compensation for Board members. Eliminating “compensation” will clarify that intention.”

“A deadline date for grandfathering should be provided. Currently within the statute, the Grandfathering provision does not have a deadline date to make application for grandfathering. This is a standard Grandfathering provision that was not realized until the Sunset Review audit.”

“The requirement to make an annual report to the Governor’s office and Secretary of State should be eliminated due to the fact the Board submits an annual report to the Legislature.”

**Respondent #2:** “ - temporary licensure,  
- eliminate compensation language,  
- provide a deadline for grandfathering window,  
- update language and organizations.”

**Respondent #3:** “There are some ‘housekeeping’ changes that are needed and they have been presented to the legislature on two occasions but they failed to pass.”

**Respondent #4:** “Temporary licensure has failed in the last two legislative sessions. This needs to pass!”

**Respondent #5:** “Temporary licensure allowances”

**Respondent #6:** “The intent of the statute was to allow new graduates to receive a temporary license for a period until they passed the license exam, but the statute as written fails to address this intent. We have filed legislation to “clean up” this matter but it has not passed.”

**3. Is the ABCR adequately funded?**

5 Yes                      \_\_\_\_\_No                      \_\_\_\_\_Unknown                      1 No Opinion

**4. Is the ABCR is adequately staffed?**

6 Yes                      \_\_\_\_\_No                      \_\_\_\_\_Unknown                      \_\_\_\_\_No Opinion

**5. Does the ABCR receive regular reports on the operations of the ABCR from the chief administrative officer?**

6 Yes                      \_\_\_\_\_No                      \_\_\_\_\_Unknown                      \_\_\_\_\_No Opinion

**Respondent #2:** “Yes.” “Quarterly Board meetings.”

**6. Has the ABCR experienced any significant changes to its operations?**

\_\_\_\_Yes                      6 No                      \_\_\_\_\_Unknown                      \_\_\_\_\_No Opinion



**7. Does the ABCR plan any significant changes in its operations?**

\_\_\_ Yes

5\_\_\_ No

1\_\_\_ Unknown

\_\_\_ No Opinion

**Licensees**

Questionnaires were mailed to one hundred registered court reporters. Thirty-three responded.

- 1. Do you think regulation of your profession by the Board of Court Reporting is necessary to protect public welfare?**

25 Yes   6 No   1 Unknown   1 No Opinion   \_\_\_\_\_ No Response

- 2. Do you think any of the Board of Court Reporting's laws, rules, and policies are an unnecessary restriction on the practice of your profession?**

7 Yes   21 No   2 Unknown   3 No Opinion   \_\_\_\_\_ No Response

- 3. Do you think any of the Board of Court Reporting's requirements are irrelevant to the competent practice of your profession?**

6 Yes   23 No   4 Unknown   \_\_\_\_\_ No Opinion   \_\_\_\_\_ No Response

- 4. Are you adequately informed by the Board of Court Reporting of changes to and interpretations of Board of Court Reporting positions, policies, rules and laws?**

22 Yes   5 No   4 Unknown   2 No Opinion   \_\_\_\_\_ No Response

One licensee did not respond in any of the above categories, but stated, "Slow in the beginning."

- 5. Has the Board of Court Reporting performed your licensing and renewal in a timely manner?**

31 Yes   \_\_\_\_\_ No   \_\_\_\_\_ No Opinion   2 No Response

- No response. "Not particularly. I am a retired federal reporter, and the judge did not want to put his bar# on app., and they said they "lost" my app. 2x until I sent it certified and judge had to sign it twice & they had already cashed my checks. Then it took 2 months to get certificate in mail."

**6. Do you consider mandatory continuing education necessary for competent practice?**

14 Yes    17 No            \_\_\_Unknown    2 No Opinion            \_\_\_No Response

- “No.” “I feel that each individual should be motivated to further their skills but not through irrelevant busy-work, which some courses are, just to meet a time requirement.”
- “No.” “Plus they never talk about Court Reporting issues.”

**7. Has the Board of Court Reporting approved sufficient providers of continuing education to ensure your reasonable access to necessary continuing education hours?**

20 Yes    6 No            4 Unknown            3 No Opinion            \_\_\_No Response

**8. What do you think is the most significant issue(s) currently facing your profession in Alabama and what is the Board of Court Reporting doing to address the issue(s)?**

- “No opinion”
- “Significant issue: collecting payments from attorneys for work done.” “*Board of Court Reporting is doing nothing.*”
- “N/A”
- “One issue to me is payment by attorneys. I am not sure that anything could be done about this. The length of time some attorneys take to pay their court reporting bills is not fair.”
- “Shortage of court reporters.”
- “Pay raise!”
- “Contracting.” “*They are doing nothing to address unethical gift giving – They will not address this. Actually we are paying a lot for absolutely nothing.*”
- “Unethical gift-giving by firms to obtain business.” “*I don’t know if anything is being done.*”
- “The issue of e-filing transcripts and losing copies. The price of original appeal transcript needs to be high enough to compensate us for losing our copies or the transcripts do not need to be accessible to all attorneys.”
- “Voice recognition and video.” “*Do not know what action is being taken.*”
- “Favors and gifts, more CEU opportunities close to Birmingham, and keeping everyone informed of requirements of court reporters in Alabama.”
- “Staying current on software & providing current, updated services.” “*The ABCR accepts CEUs offered to stay current on software.*”
- “The risk of electronic recording replacing court reporters in the State system is a threat.” “*By demanding licensure, the number of unqualified reporters will decrease.*”
- “No opinion.”

- “Jobs being available for court reporters.”
- “Electronic recording.”
- “N/A”
- “The Board is still new and has not been informed of current issues.”
- “Need to try to address price cutting by firms to get business. Need to have more financial guidelines (like judicial conf.) so giving “perks” to secretaries doesn’t control deposition taking by certain firms.”
- 13 licensees did not respond to this question.
- No response

**9. Do you think the Board of Court Reporting and its staff are satisfactorily performing their duties?**

20 Yes    3 No            7 Unknown    3 No Opinion            \_\_\_\_\_ No Response

**10. Has any member of the Board of Court Reporting or its staff asked for money (other than normal fees), services, or any other thing of value in return for performing a Board of Court Reporting service for you?**

1 Yes    31 No            1 Unknown    \_\_\_\_\_ No Opinion            \_\_\_\_\_ No Response

- “No.” “We receive no correspondence from the Board, except to renew license. No one knows when their CEUs are up – no action on anything from this Board – or the overseer.”

**Complainants**

Questionnaires were mailed to five complainants. Two responded.

**1. Was your complaint filed with the Board of Court Reporting by:**

1 Mail 0 Phone 1 Fax 0 Other 0 Unknown 0 No Response

**2. Was receipt of your complaint promptly acknowledged?**

2 Yes 0 No 0 Unknown 0 No Response

**If yes, approximately how long after you filed your complaint were you contacted by the Board of Court Reporting?**

0 Immediately 1 Within 10 days 0 Within 20 days  
0 Within 30 days 0 More than 30 days 0 Did not respond  
1 Unknown

**Respondent #1:** "Can't remember."

**3. Was the employee who responded to your complaint knowledgeable and courteous?**

1 Knowledgeable 1 Courteous 0 Neither 1 Unknown 0 No Response

(\* One respondent marked both Knowledgeable and Courteous)

**4. Did the Board of Court Reporting communicate the results of investigating your complaint to you?**

0 Yes 1 No 0 Unknown 1 No Response

**5. Do you think the Board of Court Reporting did everything it could to resolve your complaint?**

1 Yes 0 No 0 Unknown 1 No Response

**Respondent #2:** No response. "This matter will be taken up at the next meeting."

**6. Were you satisfied with your dealings with the Board of Court Reporting?**

*Complainant Questionnaire*

  2   Yes        0   No        0   Unknown        0   No Response

- “Thank you – [REDACTED] on behalf of ACRA.”

## APPENDICES

### Performance Reports

Friday, October 10, 2008  
EBO Form 1C

### FY 08 SMART Quarterly Performance Report

Page 2 of 3

#### Basic Agency

Agency: 378 - Court Reporting Board					Program: 653 - PRO AND OCCU LICENSING AND REG							
Organization: -					Activity: -							
Key Goal:												
Goal 1	To provide services online so that 90% of license transactions are processed via the web by 2010.								Governor's Priority:		1	
Objectives and Quarterly Targets:												
Performance Measures			First Quarter		Second Quarter		Third Quarter		Fourth Quarter		Annual	
Objectives		Unit of Measure	Target	Actual	Target	Actual	Target	Actual	Target	Actual	Target	Actual
(C1-Efficiency) Process all requests within ten business days.		day	15	1	10	1	10	1	10	10	10	3

#### Item #      Notes

01- 5/23/08: EPO Revision: Entered 1st Qtr. actual.

01- 5/23/08: EPO Revision: Entered 2nd Qtr. actual.

Wednesday, January 28, 2009  
EBO Form 10

## FY 09 SMART Quarterly Performance Report

### Basic Agency

Page 2 of 2

<b>Agency: 378 - Court Reporting Board</b>				<b>Program: 653 - PRO AND OCCU LICENSING AND REG</b>							
<b>Organization: -</b>				<b>Activity: -</b>							
<b>Key Goal:</b>											
Goal 1	To provide services online so that 90% of license transactions are processed via the web by 2010.								Governor's Priority:	2	
<b>Objectives and Quarterly Targets:</b>											
Performance Measures		First Quarter		Second Quarter		Third Quarter		Fourth Quarter		Annual	
Objectives	Unit of Measure	Target	Actual	Target	Actual*	Target	Actual*	Target	Actual*	Target	Actual*
(O1-Efficiency) Process all requests within ten business days.	day	10	1	10		10		10		10	
* Actual performance data is not currently available for this quarter.											



## *Applicable Statutes*

### **CHAPTER 8B. COURT REPORTERS.**

#### **HISTORICAL NOTES**

##### **HISTORY**

###### **Effective date:**

The act which added this chapter is effective June 1, 2006.

###### **§ 34-8B-1. Legislative findings**

*Current through Act 2009-14 of the 2009 Regular Session*

The Legislature hereby finds and declares that it is the policy of the state to promote the skill, art, and practice of court reporting in order to assure that court reporters possess the necessary skills and qualifications and that a board be established to prescribe the qualifications of court reporters and to issue licenses to persons who demonstrate their ability and fitness for the licenses. This chapter is intended to establish and maintain a standard of competency for individuals engaged in the practice of court reporting and for the protection of the public, in general, and for the litigants whose rights to personal freedom and property are affected by the competency of court reporters. The examination, licensing, and supervision of the conduct and proficiency of court reporters are integrally related to the effective, impartial, and prompt operation of the judicial system of the State of Alabama.

CREDIT(S)

(Act 2006-200, p. 289, § 1.)

#### **HISTORICAL NOTES**

##### **HISTORY**

###### **Effective date:**

The act which added this section is effective June 1, 2006.

###### **Code Commissioner's Notes**

In 2006, the Code Commissioner in the last sentence inserted "are" for "is" to correct a grammatical error.

###### **§ 34-8B-2. Definitions**

*Current through Act 2009-14 of the 2009 Regular Session*

As used in this chapter, the following terms shall have the following meanings:

- (1) ACRA. The Alabama Court Reporters Association.
- (2) Board. The Alabama Board of Court Reporting.
- (3) Certified court reporter (C.C.R.). Any person licensed pursuant to this chapter to

practice verbatim reporting.

(4) Certified shorthand reporter (C.S.R.). A designation of certification given by the Alabama Court Reporters Association for its certified members.

(5) Court reporter. Any person who is engaged in the practice of court reporting as a profession, including persons who actually report judicial proceedings in courts and persons who make verbatim records.

(6) Court reporting. The making of a verbatim record by means of manual shorthand, machine shorthand, closed microphone voice dictation silencer, or by other means of personal verbatim reporting of any testimony given under oath before, or for submission to, any court, referee, or court examiner or by any board, commission, or other body, or in any other proceeding where a verbatim record is required. The taking of a deposition is the making of a verbatim record.

(7) CVR. Certified verbatim reporter.

(8) Fiscal year. October 1 through September 30.

(9) Fund. The Alabama Board of Court Reporting Fund.

(10) NCRA. The National Court Reporters Association.

(11) NVRA. The National Verbatim Reporters Association.

(12) RPR. Registered professional reporter.

(13) Secretary. A person selected by the board to serve as secretary of the board.

CREDIT(S)

(Act 2006-200, p. 289, § 2.)

## HISTORICAL NOTES

### HISTORY

#### Effective date:

The act which added this section is effective June 1, 2006.

#### § 34-8B-3. License required. [AL ST SEC 34-8B-3]

Current through Act 2009-14 of the 2009 Regular Session.

No person, except as otherwise provided by law, shall practice or attempt to practice court reporting in this state or hold himself or herself out as a court reporter unless the person is a licensed court reporter.

CREDIT(S)

(Act 2006-200, p. 289, § 3.)

## HISTORICAL NOTES

### HISTORY

#### Effective date:

The act which added this section is effective June 1, 2006.

## REFERENCES

## ADMINISTRATIVE CODE

**§ 34-8B-4. Alabama Board of Court Reporting--Creation; composition; meetings; compensation**

*Current through Act 2009-14 of the 2009 Regular Session*

(a) There is created the Alabama Board of Court Reporting. The board shall be operative within 60 days of June 1, 2006. ACRA shall provide administrative support to the board until such time as the board employs sufficient employees to implement and administer this chapter.

(b) The board shall consist of seven members as follows:

(1) Four court reporters certified at a professional level by NCRA or NVRA, two of whom shall be employed in official capacities and two of whom shall be employed in a freelance setting.

(2) Two members in good standing with the Alabama State Bar Association.

(3) One member in good standing with the Alabama Judicial Conference.

(c) Appointments to the board shall be made as follows:

(1) The Governor shall appoint one official court reporter, one freelance court reporter, and one member of the Alabama State Bar Association. ACRA, NCRA, NVRA, and the Alabama State Bar Association shall respectively submit a list of three names for each appointment to the Governor for consideration.

(2) The Lieutenant Governor shall appoint one member of the Alabama State Bar Association from a list of three names submitted by the Alabama State Bar Association.

(3) The President Pro Tempore of the Senate shall appoint one member who is an official court reporter from a list of three names submitted by ACRA.

(4) The Speaker of the House of Representatives shall appoint one member who is a freelance court reporter from a list of three names submitted by ACRA.

(5) The Chief Justice of the Alabama Supreme Court shall appoint one member who is a member of the Alabama Judicial Conference from a list of three names submitted by the Alabama Judicial Conference.

(d) All members of the board shall be citizens of the United States and the State of Alabama. The lists of names shall be submitted by the designated organizations on or before June 1, 2006. The initial terms shall begin January 1, 2007, and all appointments shall be made prior to January 1 of every year.

(e) The initial members shall serve the following terms as designated by the Governor:

(1) Three members shall serve for two years.

(2) Two members shall serve for three years.

(3) Two members shall serve for four years.

(f) Subsequent terms of office shall be for four years. No member shall serve more than two consecutive terms. In the event of a vacancy, the appointing authority for the position shall fill the vacancy. Each member shall serve until his or her successor is duly appointed and qualified.

(g) The membership of the board shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state. The board shall annually report

to the Legislature by the second legislative day of each regular session to what extent the board has complied with the diversity provisions provided for in this subsection.

(h) At its first meeting each calendar year, the board shall elect a chair, vice chair, and secretary from its membership. No member shall be elected to serve more than two consecutive years in the same office.

(i) After the initial appointments have been made, the board shall meet by January 2007, for the purpose of organizing and transacting business. Thereafter, the board shall meet not less than twice annually and as frequently as deemed necessary by the chair or a majority of the members. The board shall meet at such time and place as designated by the board. A quorum shall consist of four members.

(j) Board members shall receive the same travel expenses and per diem as state employees pursuant to Article 2, commencing with Section 36-7-20, Chapter 7, Title 36. The compensation and expenses shall be paid out of the funds of the board. Reimbursement shall not be made if funds are insufficient.

CREDIT(S)

(Act 2006-200, p. 289, § 4.)

## HISTORICAL NOTES

### HISTORY

#### Effective date:

The act which added this section is effective June 1, 2006.

#### Code Commissioner's Notes

Act 2008-131, § 2 provides: "The existence and functioning of the, Alabama Board of Court Reporting, created and functioning pursuant to Sections 34-8B-1 to 34-8B-18, inclusive, Code of Alabama 1975, is continued until October 1, 2010, and those code sections are expressly preserved."

## REFERENCES

### ADMINISTRATIVE CODE

4 Ala. Admin. Code 257-X-1-.01 et seq., Board of Court Reporters; Organization and Administration.

### § 34-8B-5. Alabama Board of Court Reporting—Duties

*Current through Act 2009-14 of the 2009 Regular Session*

The board shall have all of the following duties and responsibilities:

(1) Act on matters concerning competency licensure only and the process of granting, suspending, reinstating, and revoking a license.

(2) Establish a procedure for the investigation of complaints against licensed court reporters and for the conduct of hearings in which complaints are heard.

(3) Set a fee schedule for granting licenses and renewals of licenses subject to the Alabama Administrative Procedure Act.

(4) Maintain a current register of licensed court reporters and a current register of

temporarily licensed court reporters. Registers shall be matters of public record.

(5) Maintain a complete record of all proceedings of the board.

(6) Submit an annual report detailing the proceedings of the board to the Governor for the previous fiscal year and file a copy of the report with the Secretary of State.

(7) Adopt continuing education requirements no later than October 1, 2007.

Requirements shall be implemented no later than January 1, 2008.

(8) Determine the content of and administer examinations to be given to applicants for licensure as certified court reporters and issue numbered licenses to applicants found qualified.

(9) Maintain records of its proceedings and a register of all persons licensed by the board which shall be a public record and open to inspection.

CREDIT(S)

(Act 2006-200, p. 289, § 5.)

## HISTORICAL NOTES

### HISTORY

#### Effective date:

The act which added this section is effective June 1, 2006.

## REFERENCES

### ADMINISTRATIVE CODE

4 Ala. Admin. Code 257-X-1-.01 et seq., Board of Court Reporters; Organization and Administration.

4 Ala. Admin. Code 257-X-5-.01 et seq., Board of Court Reporters; Disciplinary Action.

4 Ala. Admin. Code 257-X-6-.01 et seq., Board of Court Reporters; Continuing Education.

### § 34-8B-6. Complaints; hearing; penalties; appeal

*Current through Act 2009-14 of the 2009 Regular Session*

(a) All complaints shall be in writing, signed by the person making the complaint, and addressed to the chair of the board. All complaints shall contain the name and address of the person against whom the complaint is brought and a description of the conduct giving rise to the complaint. Complaints shall be submitted within 90 days of such conduct and a copy shall be provided to the licensed court reporter within five business days of receipt by the board. The copy shall be sent by certified mail or by such other means of delivery to ensure that the licensed court reporter charged in the complaint shall receive actual notice. After investigation of the charges, the board shall conduct a hearing at which time it may dismiss the charges, may impose a fine not to exceed one thousand dollars (\$1,000), or may revoke or suspend the license of the licensee.

(b) The licensee may appeal a decision of the board imposing an administrative fine or revoking or suspending a license by submitting a request to the board for reconsideration within 90 days following the decision of the board. If no resolution is achieved, further appeals shall be submitted to the circuit court in the jurisdiction of the residence of the

licensee. Any licensee whose application for licensure or for renewal of licensure was denied, or whose license was revoked, may reapply after 12 months have elapsed. The board may then reissue a license or rescind any disciplinary action if a majority of the members vote in favor of the action.

CREDIT(S)

(Act 2006-200, p. 289, § 6.)

## HISTORICAL NOTES

### HISTORY

**Effective date:**

The act which added this section is effective June 1, 2006.

## REFERENCES

### ADMINISTRATIVE CODE

4 Ala. Admin. Code 257-X-4-.01, Board of Court Reporters; Standards of Professional Conduct.

4 Ala. Admin. Code 257-X-5-.01 et seq., Board of Court Reporters; Disciplinary Action.

### § 34-8B-7. Promulgation of rules

*Current through Act 2009-14 of the 2009 Regular Session*

The board shall promulgate rules necessary to implement and administer this chapter. The rules shall be adopted pursuant to the Alabama Administrative Procedure Act. The rules shall be published in the standards of professional practice and made available to all licensees.

CREDIT(S)

(Act 2006-200, p. 289, § 7.)

## HISTORICAL NOTES

### HISTORY

**Effective date:**

The act which added this section is effective June 1, 2006.

## REFERENCES

### ADMINISTRATIVE CODE

4 Ala. Admin. Code 257-X-1-.07, Board of Court Reporters; Organization and Administration: Rules and Regulations.

4 Ala. Admin. Code 257-X-4-.01, Board of Court Reporters; Standards of Professional Conduct.

### **§ 34-8B-8. Violations; penalties**

*Current through Act 2009-14 of the 2009 Regular Session*

After January 1, 2007, any person who undertakes or attempts to undertake the practice of court reporting for remuneration without first having procured a license, or who knowingly presents or files false information with the board for the purpose of obtaining a license, or who violates this chapter shall be guilty of a Class C misdemeanor. A person who is not licensed may not bring or maintain an action to recover fees for court reporting services that he or she performed in violation of this chapter. Whenever it appears to the board that any court reporter has violated this chapter, the board may, in its own name, petition the circuit court of the county in which the violation occurred to enjoin the violation.

CREDIT(S)

(Act 2006-200, p. 289, § 8.)

## **HISTORICAL NOTES**

### **HISTORY**

#### **Effective date:**

The act which added this section is effective June 1, 2006.

## **REFERENCES**

### **ADMINISTRATIVE CODE**

4 Ala. Admin. Code 257-X-4-.01, Board of Court Reporters; Standards of Professional Conduct.

4 Ala. Admin. Code 257-X-5-.01 et seq., Board of Court Reporters; Disciplinary Action.

### **§ 34-8B-9. Recovery by board of damages; liability of board members.**

*Current through Act 2009-14 of the 2009 Regular Session*

(a) The board may sue and be sued in its own name to recover actual or compensatory damages, including interest and court costs, sustained as the result of the conduct of any licensee who violates this chapter or rules promulgated hereunder.

(b) All members of the board shall be immune from civil liability while acting within the scope of their duties as board members.

CREDIT(S)

(Act 2006-200, p. 289, § 9.)

## **HISTORICAL NOTES**

### **HISTORY**

#### **Effective date:**

The act which added this section is effective June 1, 2006.

## REFERENCES

### ADMINISTRATIVE CODE

4 Ala. Admin. Code 257-X-4-.01, Board of Court Reporters; Standards of Professional Conduct.

4 Ala. Admin. Code 257-X-5-.01 et seq., Board of Court Reporters; Disciplinary Action.

### **§ 34-8B-10. Examinations and testing; unauthorized use of license number.**

*Current through Act 2009-14 of the 2009 Regular Session*

(a) To be licensed as a court reporter, an applicant shall be a United States citizen or, if not a citizen of the United States, a person who is legally present in the United States with appropriate documentation from the federal government, and shall pass the Written Knowledge Examination administered by NCRA and shall pass an Alabama skills examination or provide documentation of having passed the NCRA Registered Professional Reporter Examination or NVRA CVR Examination. The board shall examine or establish, or both, examination and testing procedures to enable the board to ascertain the competency of applicants for licensure. Each such skills examination shall be given at least twice each calendar year. Applications for licensure shall be signed and sworn by the applicants and submitted on forms furnished by the board. An applicant who furnishes the board with satisfactory proof of graduation from an accredited high school or its equivalent shall, upon payment of a reasonable fee in an amount determined by the board, be examined by the board. All applicants who are found qualified to engage in the practice of court reporting pursuant to this chapter shall be issued a license as a certified court reporter and an identifying number. The license shall be valid until September 30th of the year of its issuance.

(b) No certified court reporter may authorize the use of his or her license number on any transcript not produced through his or her personal effort or supervision, or both. Violation of this subsection may be grounds for license suspension or revocation.

(c) The board shall hold at least two reporter examinations each year and may hold such additional examinations as are necessary. The secretary shall give public notice of the time and place of each examination at least 120 days prior to the date set for the examination. Any person desiring to take the examination shall file his or her application with the board at least 30 days prior to the date of the examination. The preparation, administration, and grading of the examination shall be governed by the rules prescribed by the board, but the board may engage ACRA to conduct the examination under the supervision of the board. Upon determining the results of the examination, the board shall notify each applicant as to whether the applicant has passed the examination. Notification shall be by written notice mailed to the applicant by certified mail to the applicant's address as indicated on the application.

CREDIT(S)

(Act 2006-200, p. 289, § 10; Act 2008-131, § 3.)

## HISTORICAL NOTES



## HISTORY

### Effective date:

The act which added this section is effective June 1, 2006.

### Amendment notes:

**The 2008 amendment**, effective April 10, 2008, in subsection (a) substituted "shall be a United States citizen or, if not a citizen of the United States, a person who is legally present in the United States with appropriate documentation from the federal government, and shall" for "must", and substituted "NCRA and shall" for "NCRA and must".

## REFERENCES

### ADMINISTRATIVE CODE

4 Ala. Admin. Code 257-X-2-.07, Board of Court Reporters; Policies and Procedures: Review Process.

4 Ala. Admin. Code 257-X-3-.05, Board of Court Reporters; Licensure: Traditional Application for Licensure.

4 Ala. Admin. Code 257-X-3-.06, Board of Court Reporters; Licensure: Examination.

4 Ala. Admin. Code 257-X-8-.01, Board of Court Reporters; Appendix II: Forms.

### § 34-8B-11. Reciprocity agreements; nonresident licenses; fees.

*Current through Act 2009-14 of the 2009 Regular Session*

(a) The board shall enter into reciprocal agreements with any state, agency, or other entity that licenses, certifies, or registers court reporters (NCRA or NVRA, or both) if the board finds that the state, agency, or other entity has substantially the same or more stringent requirements than the board.

(b) The reciprocity agreement shall provide that the board shall license a person who is currently licensed, certified, or registered in another state or by another agency or other entity if that state, agency, or other entity agrees to license, certify, or register any licensees licensed pursuant to this chapter.

(c) Nonresident court reporters desiring to make a verbatim record of any testimony of a proceeding, the jurisdiction of which is within the courts of Alabama or where appeal to any court of Alabama is allowable by law, shall make annual application for a nonresident license. The applicant shall make application on the same forms as required of other applicants, shall pay a fee in an amount determined by the board, and shall present proof that the applicant is a competent licensed court reporter in another state. The board shall issue a nonresident license upon the finding that the applicant is a competent licensed court reporter in another state. The license shall be valid for a period not to exceed one year from the date of issuance. A nonresident court reporter shall reapply for licensure annually. An annual fee in an amount determined by the board shall be required.

(d) The board shall establish the fees appropriate in processing reciprocal licensing.

CREDIT(S)

(Act 2006-200, p. 289, § 11.)

## HISTORICAL NOTES

### HISTORY

**Effective date:**

The act which added this section is effective June 1, 2006.

### REFERENCES

#### ADMINISTRATIVE CODE

4 Ala. Admin. Code 257-X-2-.04, Board of Court Reporters; Policies and Procedures: Fees.

4 Ala. Admin. Code 257-X-3-.04, Board of Court Reporters; Licensure: Reciprocity.

4 Ala. Admin. Code 257-X-7-.01, Board of Court Reporters; Appendix I: Fee Schedule.

**§ 34-8B-12. Licensing fees. [AL ST SEC 34-8B-12]**

*Current through Act 2009-14 of the 2009 Regular Session*

The annual fees for licensure pursuant to this chapter shall be established by the board and shall cover a 12-month period beginning October 1 of each year. All fees collected by the board shall be paid into the State Treasury to the credit of the Board of Court Reporting Fund which is hereby created. Moneys in the fund shall be subject to withdrawal only upon warrant of the state Comptroller to be issued upon certification of the secretary. Any funds remaining in the fund at the end of each fiscal year in excess of two hundred fifty thousand dollars (\$250,000), shall be available to the board to provide for the education and training of court reporters. At all times the board shall retain a sum not in excess of two hundred fifty thousand dollars (\$250,000), to meet any emergency which may affect the efficient operation of the board. No funds shall be withdrawn or expended except as budgeted and allocated pursuant to this chapter and only in amounts as stipulated in the general appropriations bill or other appropriations bills.

CREDIT(S)

(Act 2006-200, p. 289, § 12.)

## HISTORICAL NOTES

### HISTORY

**Effective date:**

The act which added this section is effective June 1, 2006.

### REFERENCES

#### ADMINISTRATIVE CODE

4 Ala. Admin. Code 257-X-2-.04, Board of Court Reporters; Policies and Procedures: Fees.

4 Ala. Admin. Code 257-X-7-.01, Board of Court Reporters; Appendix I: Fee Schedule.

**§ 34-8B-13. Renewal of licenses. [AL ST SEC 34-8B-13]**

*Current through Act 2009-14 of the 2009 Regular Session*

Each person licensed pursuant to this chapter shall apply for renewal of his or her license pursuant to dates established by the board. A renewal fee in an amount determined by the board shall be paid and thereupon the board shall issue a numbered license establishing that the holder is entitled to practice court reporting for the period determined by the board. The board shall require specific continuing education as a condition for license renewal. The board may provide for the late renewal of a license which has lapsed and may require the payment of a late fee or an examination, or both, prior to issuing a renewal license.

Licensees shall notify the board in writing of any change of address within 30 days of the change.

CREDIT(S)

(Act 2006-200, p. 289, § 13.)

## HISTORICAL NOTES

### HISTORY

#### Effective date:

The act which added this section is effective June 1, 2006.

## REFERENCES

### ADMINISTRATIVE CODE

4 Ala. Admin. Code 257-X-2-.01, Board of Court Reporters; Policies and Procedures: Change of Name or Address.

4 Ala. Admin. Code 257-X-2-.04, Board of Court Reporters; Policies and Procedures: Fees.

4 Ala. Admin. Code 257-X-3-.07, Board of Court Reporters; Licensure: Renewal.

4 Ala. Admin. Code 257-X-6-.01 et seq., Board of Court Reporters; Continuing Education.

4 Ala. Admin. Code 257-X-7-.01, Board of Court Reporters; Appendix I: Fee Schedule.

### **§ 34-8B-14. Licensing of current court reporters; certified shorthand reporters.**

*Current through Act 2009-14 of the 2009 Regular Session*

(a) Any person who is engaged in the practice of court reporting on June 1, 2006, and who provides to the board an affidavit setting forth his or her past education and work experience as a court reporter and an affidavit of a judge for whom he or she has worked as an official court reporter or three licensed attorneys, unrelated by blood or marriage to the person and who have utilized the services of the court reporter, which attests to the court reporter's proficiency in court reporting, upon payment of a fee in an amount determined by the board, shall be licensed to practice as a court reporter.

(b) Any member in good standing of ACRA licensed as a certified shorthand reporter on June 1, 2006, upon payment of the licensure fee in an amount determined by the board, shall be automatically granted a license pursuant to this chapter and thereby may practice as a court reporter.

(c) Members of ACRA who hold the certified shorthand reporter certification and do not apply for certification within one year of June 1, 2006, shall be required to take the certified court reporter examination in order to become a certified court reporter.

CREDIT(S)

(Act 2006-200, p. 289, § 14.)

## HISTORICAL NOTES

### HISTORY

**Effective date:**

The act which added this section is effective June 1, 2006.

## REFERENCES

### ADMINISTRATIVE CODE

4 Ala. Admin. Code 257-X-2-.04, Board of Court Reporters; Policies and Procedures: Fees.

4 Ala. Admin. Code 257-X-3-.01, Board of Court Reporters; Licensure: Grandfathering by Work Experience.

4 Ala. Admin. Code 257-X-3-.02, Board of Court Reporters; Licensure: Grandfathering by Credential.

4 Ala. Admin. Code 257-X-7-.01, Board of Court Reporters; Appendix I: Fee Schedule.

### § 34-8B-15. Temporary license.

*Current through Act 2009-14 of the 2009 Regular Session*

Any person who has engaged in the practice of court reporting in the State of Alabama for less than one year on June 1, 2006, and who provides to the board satisfactory proof of graduation from an accredited high school or its equivalent and the affidavits of three licensed attorneys, unrelated to the person by blood or marriage, who have utilized his or her services, and who attest to the person's proficiency in court reporting, shall, upon application to the board on forms approved by the board and payment of a fee in an amount determined by the board, be issued a temporary license to practice as a court reporter. This temporary license shall expire on the 60th day following the date upon which the next board-approved examination for licensure is given. No more than two additional temporary licenses shall be issued to any applicant who fails to pass the scheduled examination for licensure.

CREDIT(S)

(Act 2006-200, p. 289, § 15.)

## HISTORICAL NOTES

### HISTORY

**Effective date:**

The act which added this section is effective June 1, 2006.

## REFERENCES

## **ADMINISTRATIVE CODE**

4 Ala. Admin. Code 257-X-2-.04, Board of Court Reporters; Policies and Procedures: Fees.

4 Ala. Admin. Code 257-X-3-.03, Board of Court Reporters; Licensure: Temporary Licensure.

4 Ala. Admin. Code 257-X-7-.01, Board of Court Reporters; Appendix I: Fee Schedule.

### **§ 34-8B-16. Inactive status.**

*Current through Act 2009-14 of the 2009 Regular Session*

The board shall establish an inactive status for persons who are not actively engaged in the practice of court reporting.

CREDIT(S)

(Act 2006-200, p. 289, § 16.)

## **HISTORICAL NOTES**

### **HISTORY**

#### **Effective date:**

The act which added this section is effective June 1, 2006.

## **REFERENCES**

### **ADMINISTRATIVE CODE**

4 Ala. Admin. Code 257-X-2-.05, Board of Court Reporters; Policies and Procedures: Inactive Status.

4 Ala. Admin. Code 257-X-2-.06, Board of Court Reporters; Policies and Procedures: Restoration.

### **§ 34-8B-17. Disposition of funds; collection of fees**

*Current through Act 2009-14 of the 2009 Regular Session*

All moneys collected pursuant to this chapter shall be deposited into the Board of Court Reporting Fund. All expenses incurred by the board in implementing and administering this chapter shall be paid out of the fund provided that the expenses of the board shall not be in excess of the moneys in the fund. The board may charge and collect the following fees which shall be deposited into the fund:

(1) An application fee for any temporary or regular license.

(2) An examination fee.

(3) A renewal fee for any temporary or regular license.

(4) A reinstatement fee for any application for reinstatement of a temporary or regular license which has been revoked or suspended.

(5) A fee for the renewal of a license after the due date which shall be increased 20 percent for each month or fraction thereof that payment is delayed, unless the delay is

caused by conditions resulting from additional requirements imposed by the board. Notwithstanding the foregoing, delinquency of more than six months shall result in revocation of licensure.

CREDIT(S)

(Act 2006-200, p. 289, § 17.)

## HISTORICAL NOTES

### HISTORY

**Effective date:**

The act which added this section is effective June 1, 2006.

## REFERENCES

### ADMINISTRATIVE CODE

4 Ala. Admin. Code 257-X-2-.04, Board of Court Reporters; Policies and Procedures: Fees.

4 Ala. Admin. Code 257-X-7-.01, Board of Court Reporters; Appendix I: Fee Schedule.

### § 34-8B-18. Sunset provision

*Current through Act 2009-14 of the 2009 Regular Session*

The board shall be an enumerated board pursuant to Sections 41-20-1 to 41-20-16, inclusive. The board is subject to the provisions of the Alabama Sunset Law of 1981. The board shall automatically terminate on September 30, 2008, and every four years thereafter, unless a bill is passed that the board be continued, modified, or reestablished.

CREDIT(S)

(Act 2006-200, p. 289, § 18.)

## HISTORICAL NOTES

### HISTORY

**Effective date:**

The act which added this section is effective June 1, 2006.

**Latest Proposed Legislation**  
(2009 Regular session)

110065-3:n:04/02/2009:MCS/mfp LRS2009-1923R2

HB828  
By Representative Black  
RFD Boards and Commissions  
Rd 1 07-APR-09

**SYNOPSIS:** This bill would amend the statutes relating to the Alabama Board of Court Reporting to: provide temporary licensure of applicants who are new graduates of court reporting programs; provide that an applicant could take the written knowledge test at the same time as the skills test; update educational references to the term "court reporting programs"; update references to organizations; delete certain reporting requirements; delete references to compensation as it applies to board service; clarify language regarding board liability; clarify language regarding examinations of applicants; and provide a deadline for grandfathering certain applicants.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to the Alabama Board of Court Reporting; to amend Sections 34-8B-4, 34-8B-5, 34-8B-9, 34-8B-10, as last amended by Act 2008-131, 2008 Regular Session (Acts 2008, p. 189), 34-8B-14, and 34-8B-15, Code of Alabama 1975, so as to provide temporary licensure of applicants who are new graduates of court reporting programs; provide that an applicant could take the written knowledge test at the same time as the skills test; update educational references to the term "court reporting programs"; update references to organizations; delete certain reporting requirements; delete references to compensation as it applies to board service; clarify language regarding board liability; clarify language regarding examinations of applicants; and provide a deadline for grandfathering certain applicants.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 34-8B-4, 34-8B-5, 34-8B-9, 34-8B-10, as last amended by Act 2008-131, 2008 Regular Session (Acts 2008, p. 189), 34-8B-14, and 34-8B-15, Code of Alabama 1975, are amended to read as follows:

§34-8B-4.

"(a) There is created the Alabama Board of Court Reporting. The board shall be operative within 60 days of June 1, 2006. ACRA shall provide administrative support to the board until such time as the board employs sufficient employees to implement and administer this chapter.

"(b) The board shall consist of seven members as follows:

"(1) Four court reporters certified at a professional level by NCRA or NVRA, two of whom shall be employed in official capacities and two of whom shall be employed in a freelance setting.

"(2) Two members in good standing with the Alabama State Bar Association.

"(3) One member in good standing with the ~~Alabama Judicial Conference~~ Administrative Office of Courts.

"(c) Appointments to the board shall be made as follows:

"(1) The Governor shall appoint one official court reporter, one freelance court reporter, and one member of the Alabama State Bar Association. ACRA, NCRA, NVRA, and the Alabama State Bar Association shall respectively submit a list of three names for each appointment to the Governor for consideration.

"(2) The Lieutenant Governor shall appoint one member of the Alabama State Bar Association from a list of three names submitted by the Alabama State Bar Association.

"(3) The President Pro Tempore of the Senate shall appoint one member who is an official court reporter from a list of three names submitted by ACRA.

"(4) The Speaker of the House of Representatives shall appoint one member who is a freelance court reporter from a list of three names submitted by ACRA.

"(5) The Chief Justice of the Alabama Supreme Court shall appoint one member ~~who is a member of the Alabama Judicial Conference~~ from a list of three names submitted by the ~~Alabama Judicial Conference~~ Administrative Office of Courts.

"(d) All members of the board shall be citizens of the United States and the State of Alabama. The lists of names shall be submitted by the designated organizations on or before June 1, 2006. The initial terms shall begin January 1, 2007, and all appointments shall be made prior to January 1 of every year.

"(e) The initial members shall serve the following terms as designated by the Governor:

"(1) Three members shall serve for two years.

"(2) Two members shall serve for three years.

"(3) Two members shall serve for four years.

"(f) Subsequent terms of office shall be for four years. No member shall serve more than two consecutive terms. In the event of a vacancy, the appointing authority for the position shall fill the vacancy. Each member shall serve until his or her successor is duly appointed and qualified.

"(g) The membership of the board shall be inclusive and reflect the racial, gender, geographic, urban/rural and economic diversity of the state. The board shall annually report to the Legislature by the second legislative day of each regular session to what extent the board has complied with the diversity provisions provided for in this subsection.

"(h) At its first meeting each calendar year, the board shall elect a chair, vice chair, and secretary from its membership. No member shall be elected to serve more than two consecutive years in the same office.



"(i) After the initial appointments have been made, the board shall meet by January 2007, for the purpose of organizing and transacting business. Thereafter, the board shall meet not less than twice annually and as frequently as deemed necessary by the chair or a majority of the members. The board shall meet at such time and place as designated by the board. A quorum shall consist of four members.

"(j) Board members shall receive the same travel expenses and per diem as state employees pursuant to Article 2, commencing with Section 36-7-20, Chapter 7, Title 36. ~~The compensation and~~ expenses shall be paid out of the funds of the board. Reimbursement shall not be made if funds are insufficient.

§34-8B-5.

"(a) The board shall have all of the following duties and responsibilities:

"(1) Act on matters concerning competency licensure only and the process of granting, suspending, reinstating, and revoking a license.

"(2) Establish a procedure for the investigation of complaints against licensed court reporters and for the conduct of hearings in which complaints are heard.

"(3) Set a fee schedule for granting licenses and renewals of licenses subject to the Alabama Administrative Procedure Act.

"(4) Maintain a current register of licensed court reporters and a current register of temporarily licensed court reporters. Registers shall be matters of public record.

"(5) Maintain a complete record of all proceedings of the board.

~~"(6) Submit an annual report detailing the proceedings of the board to the Governor for the previous fiscal year and file a copy of the report with the Secretary of State.~~

~~"(7)~~(6) Adopt continuing education requirements no later than October 1, 2007. Requirements shall be implemented no later than January 1, 2008.

~~"(8)~~(7) Determine the content of and administer examinations to be given to applicants for licensure as certified court reporters and issue numbered licenses to applicants found qualified.

~~"(9)~~(8) Maintain records of its proceedings and a register of all persons licensed by the board which shall be a public record and open to inspection.

§34-8B-9.

~~"(a) The board may sue and be sued in its own name to recover actual or compensatory damages, including interest and court costs, sustained as the result of the conduct of any licensee who violates this chapter or rules promulgated hereunder.~~

~~"(b) All members of the board shall be immune from civil liability while acting within the scope of their duties as board members.~~

§34-8B-10.

"(a) To be licensed as a court reporter, an applicant shall be a United States citizen or, if not a citizen of the United States, a person who is legally present in the United States with appropriate documentation from the federal government, and shall pass the Written Knowledge Examination administered by NCRA or NVRA and shall pass an Alabama skills examination provided by ACRA or provide documentation of having passed the NCRA Registered Professional Reporter Examination or NVRA CVR Examination. The board shall examine or establish, or both, examination and testing procedures to enable the board to ascertain the competency of applicants for licensure. Each such skills examination shall be given at least twice each calendar year. Applications for licensure shall be signed and sworn by the applicants and submitted on forms furnished by the board. An applicant who furnishes the board with satisfactory proof of graduation from ~~an accredited high school~~ a court reporting program or its equivalent shall, upon payment of a reasonable fee in an amount determined by the board, be examined ~~by the board~~. All applicants who are found qualified to engage in the practice of court reporting pursuant to this chapter shall be issued a license as a certified court reporter and an identifying number. The license shall be valid until September 30th of the year of its issuance.

"(b) No certified court reporter may authorize the use of his or her license number on any transcript not produced through his or her personal effort or supervision, or both. Violation of this subsection may be grounds for license suspension or revocation.

~~"(c) The board shall hold at least two reporter examinations each year and may hold such additional examinations as are necessary. The secretary shall give public notice of the time and place of each examination at least 120 days prior to the date set for the examination. Any person desiring to take the examination shall file his or her application with the board at least 30 days prior to the date of the examination. The preparation, administration, and grading of the examination shall be governed by the rules prescribed by the board, but the board may engage ACRA to conduct the examination under the supervision of the board. Upon determining the results of the examination, the board shall notify each applicant as to whether the applicant has passed the examination. Notification shall be by written notice mailed to the applicant by certified mail to the applicant's address as indicated on the application.~~

§34-8B-14.

"(a) Any person who is engaged in the practice of court reporting on June 1, 2006, and who provides to the board an affidavit setting forth his or her past education and work experience as a court reporter and an affidavit of a judge for whom he or she has worked as an official court reporter or three licensed attorneys, unrelated by blood or marriage to the person and who have utilized the services of the court reporter, which attests to the court reporter's proficiency in court reporting, upon payment of a fee in an amount determined by the board, shall be licensed to practice as a court reporter. The deadline for receiving applications for grandfathering is December 31, 2009.

"(b)(1) Any member in good standing of ACRA licensed as a certified shorthand reporter on June 1, 2006, upon payment of the licensure fee in an amount determined by the board, shall be automatically granted a license pursuant to this chapter and thereby may practice as a court reporter.

~~"(c)(2)~~ Members of ACRA who hold the certified shorthand reporter certification and do not apply for certification within one year of June 1, 2006, shall be required to take the certified court reporter examination in order to become a certified court reporter.

§34-8B-15.

"Any person ~~who has engaged in the practice of court reporting in the State of Alabama for less than one~~

~~year on June 1, 2006, and who provides to the board satisfactory proof of graduation from an accredited high school a court reporting program or its equivalent and the affidavits of three licensed attorneys, unrelated to the person by blood or marriage, who have utilized his or her services, and who attest to the person's proficiency in court reporting,~~ shall, upon application to the board on forms approved by the board and payment of a fee in an amount determined by the board, be issued a temporary license to practice as a court reporter. This temporary license shall expire on the 60th day following the date upon which the next board-approved examination for licensure is given. No more than two additional temporary licenses shall be issued to any applicant who fails to pass the scheduled examination for licensure."

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

Court Reporting, Board of

Court Reporters

Licenses and Licensing

Administrative Office of Courts

Code Amended

Acts Amended

## Board Members



May 27, 2009  
Bob Riley  
Governor

## STATE OF ALABAMA Alabama Board of Court Reporting

7550 Halcyon Summit Drive, Suite 125 (36117)  
Post Office Box 240187  
Montgomery, Alabama 36124  
Telephone (334) 215-7233  
Fax (334) 215-7231  
www.abcr.alabama.gov

Department of Examiners of Public Accounts  
Attn: Timea Boros  
P.O. Box 302251  
Montgomery, AL 36130-2251

Dear Ms. Boros:

This letter serves to provide the requested board member information for the Audit.

**Aubrey Ford, Jr., Chair**  
Tuskegee, AL  
Position: Judicial Seat  
Term: January 5, 2007 to January 5, 2011  
Appointed by: Chief Justice Nabors  
Male, African American

**Suzanne B. Frazier, Vice-Chair**  
Birmingham, AL  
Position: Official Court Reporter  
Term: January 1, 2009 thru January 1, 2013  
Appointed by: Governor Bob Riley  
Female, Caucasian

**Sabrina Lewis**  
Birmingham, AL  
Position: Official Court Reporter  
Term: April 7, 2009 thru January 1, 2013  
Appointed by: President Pro Tempore of the Senate  
Female, African American

**Laura H. Nichols**  
Birmingham, AL  
Position: Freelance Court Reporter  
Term: January 1, 2007 thru January 1, 2010  
Appointed by: Speaker Seth Hammett  
Female, Caucasian

VACANT

**Mr. T. Kent Garrett**  
Montgomery, AL  
Position: Attorney  
Term: January 14, 2009 thru January 1, 2010  
Appointed by: Governor Bob Riley  
Male, Caucasian

**William M. Dawson**  
Birmingham, AL  
Position: Attorney  
Term: January 30, 2009 thru January 1, 2013  
Appointed by: Governor Bob Riley  
Male, Caucasian

**STAFF:**  
Paula Scout McCaleb, Executive Director  
Montgomery, AL

Bettie Carmack, Assistant Attorney General  
Montgomery, AL

Please contact me if any further information is needed. Thank you.

Sincerely,

Paula Scout McCaleb  
Executive Director

## **BOARD RESPONSE TO SIGNIFICANT ISSUES**

(Received by E-Mail)



Bob Riley  
Governor

### **STATE OF ALABAMA Alabama Board of Court Reporting**

2011 Berry Chase Place (36117)  
Post Office Box 240187  
Montgomery, Alabama 36124  
Telephone (334) 215-7233  
Fax (334) 215-7231  
[www.abcr.alabama.gov](http://www.abcr.alabama.gov)

September 10, 2009

Mr. John E. Norris  
Director, Operational Division  
Department of Examiners of Public Accounts  
50 North Ripley Street, Room 3201  
Montgomery, Alabama 36104-3833

Dear Mr. Norris:

Attached is a response to the list of items for publication to the Sunset Review Committee on the results of the Board of Court Reporting Audit as requested. Please don't hesitate to contact me if any additional information is required. Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Paula Scout McCaleb", is written over the typed name.

Paula Scout McCaleb  
Executive Director

## **RESPONSE TO SIGNIFICANT ITEMS**

**2009-01** – The Board will correct this item at the next Board Meeting by amending the Rules and Regulations to be in accordance with the statute. The Board is currently in its second renewal season and to date this oversight has not created an issue in the renewal of late licenses. We thank the Examiners of Public Accounts for bringing this flaw to our attention with this year's audit review and will gladly correct this as soon as possible.

**2009-02** – The Board has introduced legislation to correct all previous significant items each year since our last sunset review. Unfortunately, the legislation has not passed. Although the Board has shown good faith to try to correct all prior findings, we are very concerned about the delay in getting our needed legislation passed. We need this committees help and direction in this endeavor.